

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEVENDRA RAJ ACHARYA,

Plaintiff,

-against-

JIMMY K. SOLANKI,

Defendant.

USDC SDNY
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DATE FILED: 4/27/2022

18-cv-8010 (MKV)

**ORDER ADOPTING R&R REGARDING
DAMAGES**

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff Devandra Raj Acharya commenced this action against Defendant Jimmy Solanki alleging that he was not paid minimum wages, a spread of hours premium, and overtime compensation, or provide him with wage statements and wage notices, in violation of the Fair Labor Standards Act and New York Law. Solanki did not respond to the complaint. After a default judgment hearing, at which the Court entered judgement on liability, the Court referred the case to Magistrate Judge Cott for an inquest on damages. [ECF No. 98].

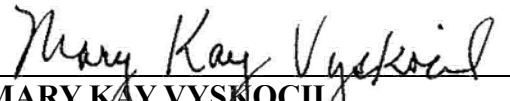
Magistrate Judge Cott issued a Report and Recommendation [ECF No. 113] recommending that Acharya be awarded \$48,680.58, plus pre-judgment interest on \$19,340.29 of the damages, attorneys' fees and costs in the amount of \$25,596.70, and post-judgment interest on all sums. Any objection to Judge Cott's Report and Recommendation was due on or before April 26, 2022. [ECF No. 113 at 24]. No timely objection was filed, and the Court has not received any untimely objections.

In reviewing a magistrate judge's report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). The Court reviews a report and recommendation to which no objections are filed for clear error. *See* Fed. R. Civ. P. 72; *Colvin v. Berryhill*, 734 F.

App'x 756, 758 (2d Cir. 2018); *Edwards v. Fischer*, 414 F. Supp. 2d 342, 346-47 (S.D.N.Y. 2006). The reasoning and conclusions laid out in Magistrate Judge Cott's Report and Recommendation are sound and well-supported, and the Court, therefore, fully adopts the Report and Recommendation. The Clerk of the Court respectfully is requested to enter judgment in favor of the Plaintiff in the amount of \$48,680.58 in damages (consisting of unpaid minimum and overtime wages, and liquidated and statutory damages), plus prejudgment interest on \$19,340.29 of the damages in an amount to be calculated upon entry of judgment, attorneys' fees and costs in the amount of \$25,596.70, and post-judgment interest on all sums, and to close this case.

SO ORDERED.

Date: April 27, 2022
New York, NY


MARY KAY VYSKOČIL
United States District Judge